

REMARKS

FORMAL MATTERS:

Claims 1-3, 7-8, 12, 16-17, 19, 24, 26, 28, 36, 38, 41, 45-48 and 60 are pending.

Claim 60 is allowed.

Claims 7, 36 and 47 are objected to but deemed allowable if rewritten in independent form.

Claims 45, 46 and 48 are deemed allowable if rewritten to overcome the rejection under §112, second paragraph.

Claim 1 is amended to incorporate claim 7. Claims 2, 3 and 7 are cancelled.

Claim 1, 12, 36, 45 and 46 are amended for clarity. No new matter is added.

Since: a) claim 1 has been amended to incorporate the subject matter of claim 7; b) claim 36 has been amended to incorporate the subject of claim 2; and c) claims 45 and 46 are amended to provide a nexus between the preamble and the body of the claim, it is understood that all rejections have been adequately addressed. A Notice of Allowance is respectfully requested.

REJECTIONS OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 45-46 and 48 are rejected as allegedly being indefinite under 35 U.S.C. § 112, second paragraph.

Claims 45 and 46 have been amended so that there is a clear nexus between the preamble and the claim steps.

In view of these amendments, is believed that this rejection has been adequately addressed and may be withdrawn. Withdrawal of this rejection is requested.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1-3, 8, 12, 16-17, 19, 24, 26 and 28 are rejected under 35 U.S.C. § 102(a) as anticipated by Wang (Bioinformatics 2003 19: 2369-2380).

Without any intention to acquiesce to the correctness of this rejection and solely to expedite prosecution, claim 1 is amended to incorporate claim 7, which is not included in this rejection.

This rejection is moot and may be withdrawn. Withdrawal of this rejection is requested.

Claims 1-3, 8, 12, 16-17, 19, 24, 26, 28 38 and 41 are rejected under 35 U.S.C. § 102(a) as anticipated by Kellis (Nature 2003 423: 241-254).

Without any intention to acquiesce to the correctness of this rejection and solely to expedite prosecution, claim 1 is amended to incorporate claim 7, which is not included in this rejection.

This rejection is moot and may be withdrawn. Withdrawal of this rejection is requested.

Claims 1-3, 8, 12, 16-17, 19, 24 and 26 are rejected under 35 U.S.C. § 102(b) as anticipated by McCue (Nuc. Acids Res. 2001 29:774-782).

Without any intention to acquiesce to the correctness of this rejection and solely to expedite prosecution, claim 1 is amended to incorporate claim 7, which is not included in this rejection.

This rejection is moot and may be withdrawn. Withdrawal of this rejection is requested.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number WTHD-002.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

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By: /James S. Keddie, Reg. No. 48,920/
James S. Keddie, Ph.D.
Registration No. 48,920

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

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